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TAGS: [PTER](#) [KCRM](#) [PINR](#) [ASEC](#) [SY](#) [LE](#)
SUBJECT: LEBANON: BRAMMERTZ PURSUES SEVERAL LEADS; MAY NOT
BE READY FOR JUNE 2007 TRIBUNAL

REF: STATE 140003

Classified By: Jeffrey D. Feltman, Ambassador. Reason 1.4(b) and (d).

SUMMARY

¶1. (C/NF) During an August 28 meeting with the Ambassador and poloff, an alternately cagy and revealing Commissioner Serge Brammertz, head of the United Nations International Independent Investigation Commission (UNIIIC), indicated that "Lebanon's next-door neighbor" is still the chief suspect in the assassination of Rafik Hariri. He said that the latest UNIIIC report, delayed until the end of September, will be a "status report" containing "no surprises," but will contain a good deal of technical and forensic data. Brammertz said his investigators are pursuing several promising leads, including using computer modelling to plot the movements of six cell phone users surveilling Hariri on the day of the murder. UNIIIC team members have conducted several interviews with mid-level officials in Syria since the June UNIIIC report, and Brammertz plans to interview higher-level officials as well as Hussam Hussam, the Syrian Kurd who publicly recanted his previously damning testimony. In a vague aside, Brammertz said that a connection is beginning to emerge linking the Hariri assassination to the other 14 bombings between October 2004 and December 2005.

¶2. (C/NF) Regarding the framework document to establish a "special tribunal with international character," the latest draft of which has been edited by the Lebanese and awaits signature by the UN Legal Advisor Nicholas Michel, Brammertz wants to have as wide a berth as possible in prosecuting the Hariri assassination and any other crimes considered of a "similar nature and gravity." He believes that allowing the tribunal to prosecute defendants for "crimes against humanity" lends the tribunal international legitimacy. However, Brammertz is not confident his case will be ready for the tribunal by summer 2007, and cautioned that it would be "indecent" to rush Michel out to Lebanon to sign the framework document so soon after the recent conflict in which roughly 1200 Lebanese were killed. END SUMMARY.

REAR BASE IN CYPRUS

¶3. (C/NF) Brammertz, who has been in Cyprus for most of July and August, will remain in Lebanon only until August 30.

He wants to get the bulk of his team back to Lebanon as soon as possible to increase the "urgency" of their work, but plans to keep Cyprus as a rear operating base. That way, he can keep some of his staff in Cyprus, as well as copies of investigation files (one reason UNIIIC decamped so quickly to Cyprus during the crisis was the fear that their Monteverde headquarters might be targeted by groups opposed to their presence, and all of their files irretrievably lost). In addition, some interviews could be conducted in Cyprus. Brammertz noted that UNIIIC is still woefully understaffed, and that there are 20 vacancies on the staff, which is insufficient to follow up on all the leads in the investigation.

SEPTEMBER REPORT

14. (C/NF) Brammertz said that the UN Security Council has asked him to delay the next UNIIIC report until the end of September due to the heavy traffic of upcoming Lebanon-related Council business, including the UNSCR 1701 30-day report in early September. The September report will have "no surprises, no smoking gun," according to Brammertz. Much like the last report, it will be a pro forma update noting that there have been several further requests made for "Syrian and international cooperation". (Note: While in New York in late September, Brammertz hopes to send his lead investigator Peter Nicolson to Washington for further coordination with interested agencies. End Note.)

15. (C/NF) The report will also deal with results of forensic and technical research. Brammertz says that Japanese researchers have identified and provided him with a

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technical description of all the car parts found at the bombing scene. Brammertz said that his team had also finished examining 100 body parts and managed to identify all 23 people killed in the explosion. He added that one "victim," formerly thought to be in 27 body parts but now identified from 35 pieces, is the suspected suicide bomber. Brammertz, verging on the macabre, said that one piece of the "35-part person" was in fairly good condition and might be used to identify age and ethnicity.

16. (C/NF) Brammertz added that the UNIIIC is trying to establish the modus operandi for the attack, and has been interviewing survivors from the Hariri bombing as well as family members to establish a timeline for Rafik Hariri's movements in the days leading up to the attack. Interestingly, UNIIIC is also interviewing survivors and relatives of victims of the other 14 bombings between the attempt on Marwan Hamadeh in October 2004 and the murder of Gibran Tueni in December 2005 in order to establish "potential links."

17. (C/NF) Noting that the Hariri assassination was an "extremely sophisticated operation," Brammertz said that only a limited number of "countries and organizations" could have carried it out. One of his most promising leads is the use of telephone communications, and in particular that there were six cell phone numbers that only called each other in a closed circuit on the day of the attack (and were never used again after the attack). UNIIIC is using computer graphics to plot the movements of the six numbers in relation to Hariri in the hours leading up to the attack. Brammertz hopes eventually to be able to connect the SIM cards to individuals. The cell phones are a "promising avenue," according to Brammertz.

SYRIA BEHAVING, BUT BRAMMERTZ CLEARLY SUSPECTS

17. (C/NF) There has been no change in the extent of Syrian cooperation since the last report, according to Brammertz. UNIIIC routinely gives the Syrians a two-week deadline for

responding to requests for information, and the Syrians always oblige, often sending a representative to Cyprus to hand over documents. Brammertz says this indicates that there is a "clear senior-level decision" to cooperate. UNIIIC interviewers (not Brammertz) have been to Syria "three to five more times" since the June report, with still further trips planned, and are currently interviewing "mid-level people."

18. (C/NF) Brammertz is looking into various avenues for continuing the interviews, and said that the UNIIIC will move to senior-level Syrian officials soon. He added that an interview of Hussam Hussam, a Syrian Kurd intelligence official who gave and then publicly recanted testimony damning of the Syrian regime, is "on the program." While Brammertz is pleased that some Syrian interviewees have given information, while others have been more reluctant, he does not believe that the answer to the puzzle will come from the Syrians themselves, but through other lines of inquiry.

18. (C/NF) Noting that Zuhair Mohammed Saddik, whose testimony against Syria was later discredited, could never appear as a witness in any eventual tribunal, the UNIIIC investigators are nevertheless going over his evidence to establish whether there may be a kernel of truth in any of Saddik's avowals. "We're looking into whether even 10 per cent is true," said Brammertz, adding that Saddik is "close to people in a neighboring country" and may have picked up some solid information and then layered his own lies on top of it. Brammertz said that the UNIIIC had received many documents from the Syrian authorities concerning Saddik's criminal record, but Brammertz could not be sure they weren't "falsified" (which shows how much Brammertz trusts Syrian "cooperation"). Noting that he doesn't believe Saad Hariri had any interest in providing Saddik as a false witness for an investigation which is, after all, seeking the truth about his father's murder, Brammertz does not rule out that Saad could be "easily manipulated."

19. (C/NF) Following another track, Brammertz remarked that

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the Bank al-Medina scandal could potentially implicate high-ranking Syrians (though many more Lebanese) and that he may travel to Brazil to interview a principal suspect in the scandal, Rana Qlaylat, if she is not extradited first. According to Brammertz, Hariri may have been intending to open up the Bank al-Medina files once he returned to become Prime Minister. That possibility, Brammertz said, might have contributed to the motivation for the murder.

110. (C/NF) Brammertz is also pursuing information related to the "Naba cell" of Sunni militants arrested in May 2006 with whom suspected Hariri suicide bomber Abu Adas may have been connected. He says that the cell members are "in the top-level of upcoming interviews." Brammertz, again bringing in Syria, remarked that the cell had been kicked out of Syria before they were arrested in Lebanon. He added that he has requested information related to the group from the Syrians.

111. (C/NF) The Ambassador asked Brammertz if he has eliminated any of the possible culprits in the assassination. Brammertz responded -- very carefully -- that the "main hypothesis is still the next-door neighbor," and that UNIIIC is focusing more and more resources on investigating that "avenue" while not ruling out other possibilities.

BOMBINGS LINKED?

112. (C/NF) In what he described as the "beginning of an interesting avenue," Brammertz let on that there may be links between the Hariri assassination and some of the other 14 bombings. Claiming that it has to do with "media support areas," he said that "several people" are linked. Suddenly clamming up, Brammertz said he couldn't tell us any more than

that, adding cryptically that, "We are convinced this must be seen in a broader context. We don't have the clear link, but we believe it's there."

FORMER LEBANESE SECURITY HEADS

¶13. (C/NF) Regarding the four former Lebanese security chiefs who are still being held in prison on the basis of Saddik's discredited testimony, Brammertz said that there is "no reason to feel any more comfortable" with the fact that the four are still behind bars. He said UNIIIC had received a letter from the defense lawyers requesting the release of the four prisoners. Concerned about jurisdictional issues, Brammertz forwarded the letter to Lebanese Prosecutor-General Said Mirza for the GOL to take action. Acknowledging that Mirza is in an awkward position as he cannot hold the four former chiefs without evidence, Brammertz has handed over all of UNIIIC's information related to them. Brammertz was quick to point out that the four were arrested on the recommendation of his predecessor, Detlev Mehlis. The UNIIIC is also making a full assessment of Saddik's testimony -- again, to establish if there is even an ounce of truth -- but so far has been unable to corroborate any of the information.

SPECIAL TRIBUNAL SOME TIME AWAY

¶14. (C/NF) Raising reftel points, the Ambassador argued that the U.S. does not object to the tribunal having jurisdiction over other serious crimes closely linked to the Hariri assassination, and that this would not have to be restricted to the October 2004 through December 2005 timeframe. However, the language in the current draft framework for the special tribunal, giving it jurisdiction over "related acts of a similar nature and gravity," is too broad. Brammertz said it was his impression that the wording in the current draft implies that there be a "concrete link" between the acts. He says he prefers the open-ended language in order to avoid a situation where some acts are being prosecuted by the special tribunal, whereas others not covered by agreement can only be tried on the level of national courts. Brammertz prefers to leave the language sufficiently broad so that all suspects can be tried by the special tribunal. He acknowledged that there is disagreement within the P5 regarding this broadened mandate, especially

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from Russia, and while from a prosecutorial standpoint he prefers to include all of the cases in the special tribunal, he realizes that for "political reasons" the Hariri case has priority.

¶15. (C/NF) The Ambassador expressed concern about Article 3 of the draft tribunal framework which gives the tribunal competency to try "crimes against humanity." Brammertz said this was added at the insistence of the UN Legal Advisor's Office as it gives the tribunal more legitimacy than even a "complex murder case." In order to prove crimes against humanity, Brammertz said, there needs to be evidence of a widespread, systematic attack on a civilian population (such as the 15 attacks in Lebanon, he suggested, if these can be tied together).

¶16. (C/NF) The Ambassador asked when the tribunal will be ready to start hearing cases, to which Brammertz responded that, "I'm not confident we'll be ready by next June. I cannot guarantee there will be a case to go ahead with the tribunal." Brammertz cautioned that there is no need to rush to sign the framework agreement for the tribunal, and he advised Nicholas Michel not to come to Lebanon until after UNIIIC's late September report. "It's too chaotic for Michel to come," according to Brammertz, noting that it would be somewhat indecent to pursue the tribunal for the assassination of one man so soon after a conflict which had

left more than 1,000 dead. "The bodies are not yet cold".

¶17. (C/NF) The Ambassador argued that the objective in moving ahead quickly on signing the tribunal agreement would be to prevent any further attacks on Lebanon. UNSCR 1701 is a setback for the Syrians, and the last two times Syria suffered a defeat in Lebanon - UNSCR 1559 in September 2004 and their withdrawal in April 2005 - there followed a series of presumably recriminatory bombings. Brammertz understood the Ambassador's concerns, but preferred that his investigation be kept separate from the regional political situation.

FELTMAN